



**STATE OF NEVADA**  
**COMMISSION ON ETHICS**  
<http://ethics.nv.gov>

**Friday, May 19, 2006**  
**9:00 a.m.**

**Boardroom of the State of Nevada Contractors' Board**  
**Meridian Gold Building**  
**9670 Gateway Drive, First Floor #100**  
**Reno, Nevada 89511**

**and via videoconference:**

**State Contractors' Board Hearing Room**  
**2310 Corporate Circle #200**  
**Henderson, Nevada 89074**

**MINUTES**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.  
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,  
is available for inspection at the Commission offices in Carson City and Las Vegas.

Commission Members Present (in Reno):  
Caren Jenkins, Esq., Chairman; Rick Hsu, Esq.;  
George Keele, Esq.; Jim Kosinski, Esq.

Commission Members Present (in Las Vegas):  
Mark A. Hutchison, Esq., Vice Chairman  
Randall Capurro; Timothy Cashman; William Flangas

Commission on Ethics Staff Present (in Reno):  
Adriana G. Fralick, Esq., General Counsel  
Emily H. Nunez, Office Manager

Commission on Ethics Staff Present (in Las Vegas):  
Matt Di Orio, Senior Investigator  
Tami DeVries, Research Analyst

Others Present (in Las Vegas):  
Eldon B. Hardy

Others Present (in Reno):  
Helge Carl and Kelly Ann Harris; Ronald P. Pierini;  
Barbara Smith Campbell

Chairman Jenkins called the meeting to order at 9:05 a.m., Friday, May 19, 2006.

Agenda Item 1 – Open session to approve the minutes of the April 12, 2006 Commission hearing

Chairman Jenkins opened the agenda item to approve the minutes of the April 12, 2006 Commission hearing. Commissioner Keele moved to amend a typographical error and to approve the minutes as amended. Commissioner Kosinski seconded the motion. The motion passed unanimously.

Agenda Item 2 – Request for Opinion 06-22

Open session to hear testimony, receive evidence, deliberate, and render an opinion relating to an Advisory Opinion Request submitted by Eldon B. Hardy, former state employee, pursuant to NRS 281.511(1). (Confidentiality waived)

Chairman Jenkins opened this agenda item, and asked General Counsel, Adriana Fralick to provide a brief overview of the request for opinion. Ms. Fralick stated Mr. Eldon Hardy formerly was ombudsman for Common-Interest Communities in the State Real Estate Division. The issue before the commission was whether the provisions of NRS 281.236 and NRS 281.491 prohibit Mr. Hardy from providing consulting services to common-interest homeowners and homeowner associations in need of advice or guidance with regard to NRS Chapter 116 and NAC 116, which is the Common Interest Ownership Uniform Act, and whether Mr. Hardy may properly provide consulting services as a mediator/arbitrator to parties involved in common interest community disputes.

Following testimony and deliberations, Commissioner Cashman moved the Commission find that, under NRS 281.236(4), Mr. Hardy's proposed activities, as described to the Commission at the meeting would not violate the Ethics in Government laws. And in the case of NRS 281.491, so long as Mr. Hardy does not accept compensation and refrains from providing counsel for any issue which was under consideration by the agency during his service for one year, his activity would not constitute a violation of the ethics laws.

Vice Chairman Hutchison seconded the motion, which, after significant discussion, was put to a vote and passed by a majority, with Commissioners Kosinski and Flangas opposing.

### Agenda Item 3 – Request for Opinion 06-20 and 06-21

Open session to hear testimony, receive evidence, deliberate, and render an opinion relating to an Advisory Opinion Request submitted by Helge Carl Harris, former Nye County employee, and Kelly Ann Harris, Nye County employee, pursuant to NRS 281.511(1). (Confidentiality waived)

Chairman Jenkins opened this agenda item, and turned to counsel for an overview. Ms. Fralick advised the commission that the issue before them was whether Mr. Harris and/or Mrs. Harris may properly contract with Nye County for services through their company, Harris Fence and Concrete Company, Inc., without violating the Ethics in Government Laws. Mr. Harris, the president of Harris Fence and Concrete Company, Inc., was employed by the Nye County Road Department until September 1, 2005. Mrs. Harris is employed by Nye County, as a planning technician, and she is also secretary and treasurer of Harris Fence and Concrete Company, Inc.

After hearing testimony and undertaking deliberations, Commissioner Kosinski moved the Commission advise the requesters that the provisions of Section 281.505 prohibit the corporation from entering into a contract with the county unless the exceptions in subsection 4 of NRS 281.505 are found to exist. Those exceptions are in the conjunctive: open competitive bidding, the sources of supply are limited, the public employee has not taken part in developing the contract plans or specifications, and the public employee will not be personally involved in opening, considering, or accepting offers. Commissioner Hsu seconded the motion. The motion was put to a vote and passed unanimously.

### Agenda Item 4 – Request for Opinion 06-24

Closed session pursuant to NRS 281.511(5), to hear testimony, receive evidence, deliberate, and render an opinion relating to a confidential Advisory Opinion Request submitted pursuant to NRS 281.511(1).

A lunch recess was taken at 11:50 a.m.

The meeting reconvened at 1:20 p.m.

### Agenda Item 5 – Request for Opinion 06-19

Open session to hear testimony, receive evidence, deliberate, and render an opinion relating to an Advisory Opinion Request submitted by Ronald P. Pierini, Douglas County Sheriff, pursuant to NRS 281.511(1). (Confidentiality waived)

Chairman Jenkins opened the agenda item, and requested Ms. Fralick to provide an overview. Ms. Fralick identified the issue before the Commission as whether Mr. Pierini's participation in seeking a ballot initiative to impose a .5% increase in the Douglas County sales tax to help fund

projected manpower and equipment needs of the sheriff's office violates the Ethics in Government Laws.

Mr. Pierini is the Douglas County Sheriff, and his elected term expires in December 2006. Mr. Pierini plans to run for re-election this year, and intends to seek a ballot initiative in November 2006 to show voter support for a .5 percent increase in the Douglas County sales tax to help fund projected manpower and equipment needs of the sheriff's office. If approved, the sales tax imposed would affect the criminal justice system and the law enforcement in Douglas County.

Following testimony and deliberations, Vice Chairman Hutchison moved the Commission find that Sheriff Pierini's participation in seeking a ballot advisory question, to gain voter support to impose an increase to Douglas County's sales tax to help fund projected manpower and equipment needs of the sheriff's office, would not violate NRS 281.481; nor would it violate NRS 281.554, so long as the support of the initiative does not cause a government entity such as the sheriff's department to incur an expense or make an expenditure to support the ballot question, unless the expenditure relates to subsection 5's provision regarding television programming.

Commissioner Flangas seconded the motion. The motion was put to a vote and passed unanimously.

#### Agenda Item 6 – Status of the Recruitment for the position of Executive Director

Open session to discuss the status of the recruitment for the position of Executive Director. Chairman Jenkins opened this agenda item. She disclosed that one of the applicants for the position creates a conflict of interest for her, as the applicant is a contract employee at her law firm and is a "de facto" member of her extended family. As a result, Chairman Jenkins has recused herself from the entire application, interview and selection process, and has appointed former Chairman Rick Hsu and long time Commissioner Jim Kosinski to spearhead the Executive Director search process.

Chairman Jenkins then invited Commissioners Kosinski and Hsu to provide an update. Both Commissioners reported that approximately 4 candidates would be invited to interviews, however, they are still waiting to receive a few more reference checks before making a final decision. They also confirmed that candidates would be ready to interview with the Commission at the June 14 meeting.

#### Agenda Item 7 – Open session for public comment

Chairman Jenkins opened the agenda item for public comment. No public comment was made, and the agenda item was closed.

Chairman Jenkins adjourned the meeting at 2:10 p.m.

Minutes transcribed by:

Minutes approved June 14, 2006

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Emily H. Nunez, Office Manager

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Caren Jenkins, Esq., Chairman